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COMMITTEE AGAINST TORTURE

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SUMMARY RECORD OF THE 496th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 20 November 2001, at 10 a.m.

Chairman: Mr. BURNS

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Third periodic report of Israel (CAT/C/54/Add.1)

1. At the invitation of the Chairman, the delegation of Israel took places at the Committee table.

2. Mr. LEVY (Israel), introducing the third periodic report of Israel (CAT/C/54/Add.1), said that despite the numerous unique and pressing difficulties caused by terrorism, Israel had remained committed to respecting its obligations as a party to international human rights treaties and considered that the Convention against Torture was a key instrument. Torture and other ill-treatment were offences under Israeli law, and the 1977 Criminal Code prohibited the use of force or violence against a person for the purpose of extorting a confession to an offence or information relating to an offence.

3. In the context of the terrorist threat that Israel was facing, a balance had to be struck between the human rights of detainees and the human rights of the population at large. While committed to respect for human rights and the rule of law, the State also had a responsibility to protect the lives of all its citizens from terrorism. The right to live without the threat of terrorism was also a fundamental human right, but it was one that Israeli citizens did not enjoy, as the threat of terrorism had not diminished in their country. Combating terrorism while ensuring respect for basic human rights had often forced Israel to fight with one hand tied behind its back.

4. A number of major developments had taken place in law and in practice since the Committee had considered Israel's second periodic report. The first was the decision taken by the Supreme Court in September 1999 on the "Landau rules", which had repealed former Government guidelines on the use of physical means during interrogation that had been criticized by the Committee. The Supreme Court had observed that the dilemma facing democracies was that they could not use the practice employed by their enemies. The judgement had stipulated that investigators were not authorized to employ physical means that infringed a suspect's liberty during an interrogation unless those means were inherently accessory to the very essence of the interrogation and were both fair and reasonable. The judgement had imposed further restrictions on the use of force by Israel's law enforcement authorities at a time of violence and terrorist incidents.

5. The second significant development was the Supreme Court's ruling of April 2000 concerning Lebanese detainees. The Court had determined that under the Emergency Powers Act the Minister of Defence was authorized to permit administrative detention only if such detention was necessary in the interests of national security. On the basis of that judgement, all Lebanese detainees had been released except those who posed an immediate threat to Israel's security.

6. The third development of significance had been the withdrawal on 24 May 2000 of all Israeli troops from South Lebanon to the international border recognized by the United Nations.

In the light of that withdrawal, he had been surprised to see that many of the reports submitted to the Committee by non-governmental organizations (NGOs) had continued to refer to cases of individuals who had been arrested in Lebanon by Lebanese forces and militias. The Committee must recognize that such complaints of alleged Israeli misconduct in Lebanon were not relevant.

7. It was also unfortunate that in various reports and United Nations forums criticism of Israel had continued as if nothing had changed. He drew attention in that connection to the most recent report of the Special Rapporteur of the Commission on Human Rights on torture, which stated that "as long as the Government continues to detain persons incommunicado ... the burden will be on the Government to prove that allegations are untrue" (E/CN.4/2001/66, para. 665). He objected to that statement: it was not fair to examine complaints of torture solely on the basis of affidavits submitted by Palestinian detainees because many detainees had deliberately exaggerated their descriptions of their interrogation in order to counter accusations of collaboration and betrayal.

8. Two issues that had been of particular concern to the Committee during its consideration of Israel's second periodic report had been the need to review interrogation practices and the nature of remedies to deal with complaints. Each branch of Israel's law enforcement agencies had disciplinary procedures that could be initiated by the parties claiming a violation. Complaints about police conduct could be filed with the Department for Investigation of Police Personnel (DIPP) of the Ministry of Justice, which was also responsible for claims of maltreatment against the Israel Security Agency (ISA). Disciplinary proceedings against police officers were referred to an ad hoc disciplinary tribunal. Any person under interrogation was entitled to file a complaint against his interrogators, and an investigating body under the direct supervision of the Ministry of Justice dealt with such complaints. Public servants were not exempt from the provisions of criminal law.

9. Any person who felt that he or she had been subjected to ill-treatment during an investigation could have his or her petition heard by the High Court of Justice within 48 hours of filing the complaint. That procedure was also open to detainees' families and to any person or group, regardless of citizenship, who claimed an interest in the humanitarian or legal issues involved. Israel was the only country that had granted access to its highest court to non-citizens petitioning against administrative measures. He was surprised that the Committee had not referred to that unique and positive development. Another important mechanism was the State Commission of Inquiry, headed by a Supreme Court Justice, which had been established to investigate the clashes between security forces and rioters that had resulted in the death of 13 Israeli Arabs and one Israeli Jew.

10. In the context of the current international campaign against terrorism, the Committee's efforts to define precisely the concepts set out in the Convention were of particular importance. Israel had always maintained to the Committee that the interrogation methods used by the ISA to prevent acts of terrorism did not constitute torture as defined in article 1 of the Convention or cruel, inhuman or degrading treatment or punishment within the meaning of article 16. In its conclusions and recommendations on Israel's second periodic report, the Committee had rejected the claim that the methods of interrogation used were not severe. For security reasons, Israel had not given details of those methods, and the Committee had therefore concluded that the burden of proof had not been met. He did not wish to pursue that discussion, since the Supreme Court's

decision had meant that those techniques were no longer relevant. Nevertheless, his Government maintained that a careful reading of the Convention suggested that pain and suffering did not in themselves necessarily constitute torture. Interrogation procedures had to be examined taking account of the severity of the pain or suffering inflicted on a person. Each act or measure of alleged misconduct must be examined on its own merits and in the light of specific circumstances. As an expert forum of recognized competence, the Committee should not adopt a position based on generalities but consider specific allegations on a case-by-case basis.

11. The Supreme Court had decided that the "necessity" defence and "imminence criteria" could be invoked by criminally indicted ISA investigators who had applied physical interrogation methods for the purpose of saving lives or as a means of combating an imminent and certain danger, such as a bomb explosion, that would incur loss of life.

12. The prohibition of torture was an integral part of Israeli law and jurisprudence, and Israel had never claimed that the struggle against terrorism constituted an exceptional circumstance that justified the use of torture. Force was used during interrogations in Israel only in exceptional and isolated cases and when prompted by necessity. However, it was also important to realize that any reasonable investigation was likely to cause discomfort, possibly resulting in insufficient sleep, and to take place in unpleasant conditions.

13. He hoped that the Committee would also bear in mind Israel's previous reports, which, when taken with the current report, constituted a whole, and that it would also focus on the legal and practical dilemma faced by Israel as it sought to implement the Convention.

14. The CHAIRMAN, speaking as Country Rapporteur, assured the delegation that the Committee fully understood Israel's situation as a democracy that was relatively isolated, geographically and politically, in the Middle East. Since it was an open democracy, a lot of information was available on the situation in the country, and the Committee received reports from non-governmental sources that it presumed to be credible. The Committee was also aware of recent developments in Israel and of the full significance of the Supreme Court's decision of September 1999.

15. He agreed that cases of alleged torture had to be considered on their own merit, unless the expression "on their own merit" referred to the specific circumstances of combating terrorism and the related problem of obtaining information. There was no disagreement between the Committee and the State party that only severe pain or suffering could characterize torture; the real problem lay in deciding what constituted severe pain or suffering. In the case of Israel, the Committee's task had been further hampered by the fact that it had not received all the facts in cases in which torture had been alleged.

16. Any State that detained an individual had to justify both the detention and the use of force, if any, during that detention. Just as the State party had asked the Committee not to deal in generalizations, the State party should not itself generalize by merely affirming that interrogation methods had not involved severe pain or suffering, but should provide details of cases to the Committee to allow it to draw its own conclusions. He wished to assure the State party that the Committee would be reasonable and objective in its assessment.

17. The Committee had a number of concerns with regard to administrative detention and would welcome a brief description of the new legislation on detention conditions. There was one important omission in the crucial decision of the Supreme Court on interrogation methods: at no point had the Court argued that necessity could never be invoked as a defence for a criminal act. In other words, it left open the possibility that an interrogator could use what he considered to be "moderate" force - even though others might qualify it quite differently - on a suspect. Notwithstanding the conceptual distinction drawn by the Court between the authorization of the use of force and the lifting of criminal responsibility on grounds of necessity, it should be made absolutely clear that necessity could in no circumstances be invoked to justify the use of torture. The use of even "moderate" pressure on the grounds of necessity was simply incompatible with article 2 of the Convention.

18. Despite major changes in the situation in Israel, including the welcome release of Lebanese detainees, military commanders still had the power to detain individuals without charge for up to six months at a time. He would like to know how widespread the practice of holding detainees incommunicado was, whether such detainees had access to a lawyer as of right and whether administrative detention was the only form of lawful detention in Israel. He invited the delegation to comment on allegations by a number of reputable NGOs that some of the proscribed interrogation methods, including sleep deprivation, beatings, painful handcuffing and the so-called "frog crouch", were still being practised. How were interrogation methods regulated to ensure that no severe suffering was inflicted on suspects?

19. He wished to know whether the number of persons held in administrative detention had remained low following the drastic reduction mentioned in paragraph 54 of the report. He also wished to know if it was true that one person from southern Lebanon had been detained without charge by Israeli security forces for as long as 12 years. There were allegations that the Israel Security Agency (formerly the General Security Service) was able to brutalize suspects with impunity: could the delegation tell the Committee how many security or police officers had been prosecuted for such conduct in the past two years?

20. He noted that the Israeli Government had not responded to all the urgent appeals sent to it by the Special Rapporteur of the Commission on Human Rights on the question of torture (E/CN.4/2001/66, paras. 645-665). He would welcome information on those appeals, particularly in the case of Mustafa Dirani, who had allegedly been held in Khiam detention centre since 1994, held incommunicado for over four years, refused medical treatment for serious shrapnel wounds and tortured (para. 653). He would like to know what the charges against Mr. Dirani were and whether the allegations of torture had been investigated. With regard to the criticism by the representative of Israel of the Special Rapporteur's inclusion in his report of cases that might prove unfounded, he pointed out that the delegation now had an opportunity to explain precisely why they were unfounded.

21. Referring to reports by the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem), he asked the delegation to respond to claims that Palestinian minors had been tortured in the Gush Etzion police station. He cited, by way of example, the case of Rami Yasser Za'ul, a 16-year-old youth who had reportedly been tortured and forced to sign a confession he did not understand in Hebrew. The Department for the Investigation of Police Misconduct had refused to investigate the complaint submitted to it in relation to that case,

arguing that the complaint could be considered at a "trial-within-a-trial" by the court hearing the case. Such a reaction cast serious doubts on the effectiveness of the complaints procedure for suspects alleging torture in custody. He was also concerned about the medical evidence that would be produced at the trial; would it consist of the evidence from the boy's hospitalization following the torture or from a medical examination at the time of the trial, when evidence of torture might no longer be visible?

22. The Committee would welcome information on a number of issues that had an indirect bearing on compliance with the Convention, including, the increase in trafficking in women, presumably to work as prostitutes and servants in Israel; the number of children held in detention; and the incarceration of children alongside adults and the conditions in which they were held. He wondered how the State party defined a "child"; apparently in Israel a child was a person under the age of 18, but in the occupied territories a child was a person under the age of 16. He could not see the rationale for treating some teenagers between the ages of 16 an 18 as if they were adults. Another concern was the demolition of Palestinian homes; he wondered if there had been any investigations into that practice and whether those affected had received any compensation. All kinds of concerns were raised by the presence of doctors during interrogations by the police, military or security forces: why, exactly, were they present? And was it true that the interrogators refused to identify themselves to the suspects?

23. On a general point, he could not agree with the claim in paragraph 38 of the report that Israel's penal law effectively provided that all acts of torture, as defined in article 1 of the Convention, were criminal offences under Israeli law, and he suggested that the Israeli Government should seriously consider defining torture as a specific offence under Israeli law.

24. He welcomed the Government's declared intention to focus on strengthening the general capabilities of the Israel Security Agency by increasing manpower and improving its technological equipment - assuming that meant using technology to avoid any use of pressure rather than refining the means of applying it - as well as its donation to the United Nations Voluntary Fund for Victims of Torture, which he hoped it would continue to make or even increase.

25. Mr. YAKOVLEV, Alternate Country Rapporteur, said that he was very impressed by the Supreme Court's decision on interrogation methods; the Court's reflections on the destiny of democracy amid the harsh reality of terrorism, cited in paragraph 20 of the report set an example worth following for courts around the world. Israel was in a position to demonstrate how a country could take a stand against both terrorism and the abuse of State power in the fight against terrorism.

26. He, too, was worried by the presence of doctors during interrogations; he was not sure if they were there to help the suspect or the interrogator. He wondered whether the Israel Medical Association might not consider investigating the practice and, if necessary, condemning it and revoking the membership of doctors who participated in it. With regard to interrogation rules and practices, the Supreme Court had made it very clear that the prohibitions on the use of brutal or inhuman means were absolute and not subject to exceptions, and that the same rules applied to the Israel Security Agency as to the police. The allegations that the police hid their identity, making it difficult for a suspect to complain, and that suspects had to sign "confessions" in a

language they did not understand were therefore particularly troubling. Information on the status of a parliamentary bill to regulate the Agency's activities would be welcome. He was pleased to note the marked decrease in the number of persons held in administrative detention, but he was concerned that minors were being held with adult prisoners and that it was very difficult to challenge the decisions of military commanders who could order suspects detained for up to six months at a time.

27. With regard to article 15 of the Convention, he asked what the practical outcome had been of the Goldberg Committee's findings on admissibility of evidence. He was surprised that independent evidence of guilt discovered by an inadmissible confession would still be admissible (CAT/C/33/Add.3, para. 91). Could a gun be used as evidence if its whereabouts had been revealed by a person under torture?

28. According to the Committee's information, some 380 houses in Gaza had been demolished. That destruction, which had taken place at night and without warning, was tantamount to cruel and inhuman treatment. Likewise, the border-closure policy had at times been applied on such a scale that many innocent persons, including pregnant women, had suffered, although it remained ineffective in combating terrorism.

29. He was pleased that in its decision concerning investigation methods the Israeli Supreme Court had acknowledged that a democracy could not use all means and practices employed by its enemies and that it must act according to the law. Those were noble words; the problem was how to ensure their implementation.

30. Mr. MAVROMMATIS said that the Committee was well aware of the deadly threats facing Israel; however, the real test for the country was to comply with international standards despite difficult circumstances. The Committee welcomed the significant changes reported by the representative of Israel, notwithstanding the situation prevailing in the country.

31. He would have liked the Supreme Court, in its decision on the use of moderate force, to have specified what type of force justified torture and why the use of such force did not violate article 16 of the Convention. The fact that that decision was having the desired effect, namely putting an end to such practices, was to be welcomed, but that achievement was somewhat undermined by the application of the "necessity" criterion. Indeed, allegations had already been received that such practices were continuing.

32. He wondered whether any complaints had been lodged with the units that investigated the Israel Security Agency, what the outcome of the complaints had been, how many persons had been prosecuted and how many disciplinary proceedings had been instituted.

33. The demolition of houses was a practice that was likely to strengthen the determination of terrorists. Such acts constituted not only collective punishment, but also unusual individual punishment in violation of article 16 of the Convention. He asked the delegation to cite the justification for its demolition policy.

34. Lastly, he drew attention to the policy of political executions. What justified such acts, and did they not in fact constitute extrajudicial executions?

35. Mr. CAMARA noted that the Department for the Investigation of Police Misconduct could decide that a police officer or ISA investigator suspected of using physical violence against a detainee should be the subject of disciplinary action in lieu of, or in addition to, criminal proceedings (para. 26). If that meant that the Department could decide not to bring criminal proceedings, then the provision was not in conformity with article 7, paragraph 1, of the Convention.

36. Regarding sleep deprivation, he said that the Supreme Court opinion that interrogations could have the "side effect" of preventing a person from sleeping (para. 14 (viii)) gave unscrupulous officers free rein. He recalled that internationally recognized rules for interrogation required that persons being interrogated should be entitled to a period of rest. He asked whether Israel had any regulations on interrogations requiring the interrogator to record how long the interrogation had lasted and how long he had allowed the suspect to rest.

37. According to Amnesty International, 500 Palestinian houses had been destroyed and 2,000 persons, including children, made homeless. Such demolitions usually took place following attacks on Israelis or their property. Was that not a violation of article 1? He wished to know whether demolitions were intended to punish such attacks or whether they served another purpose.

38. Mr. RASMUSSEN said that the Israeli Ambassador to Denmark had stated publicly that he was in favour of reintroducing moderate physical pressure. It was to be hoped that that statement did not reflect the intention of the Government.

39. The Israel Medical Association had apparently declined to take action on the problem of the involvement of doctors in interrogations. There were many ways of minimizing the risk of doctors being involved in torture, maltreatment and cover-ups: such doctors should be independent of the institutions in which they were working; they should not be paid by the police if they worked in a police station; and their contracts should specify that they could not be involved in torture or maltreatment and that they must observe the World Medical Association's Tokyo Declaration of 1975. Such steps would help doctors who might otherwise find it difficult to refrain from becoming involved in certain police activities to respect medical ethics.

40. Much could still be done through training to make police and army doctors aware of the prohibition of torture. Doctors should conduct medical examinations whenever a person arrived at a detention facility and issue certificates that identified any lesions, recorded allegations and contained an opinion as to the consistency of the lesions with the allegations. Such records would also be useful to police and prison officials if they stated that the lesions noted had not been caused by mistreatment during interrogation, but were due to the use of normal restraint during arrest. He asked whether a copy of such medical certificates could be made available to detainees, who, if they wished to enter a complaint, would need it immediately and not six months later, once the bruises had disappeared. Could a detainee be examined by a doctor of his choice? Equally important was the possibility of having ready access to a lawyer.

41. He urged Israel to consider making audio-visual recordings of interrogations. Such recordings could be used to prove that detainees were treated well and that complaints of mistreatment were unfounded.

42. He was concerned about roadblocks which hindered access to hospitals for Palestinian civilians, even in emergencies.

43. Mr. EL MASRY said that although the representative of Israel had spoken of the dilemma facing that country, the real dilemma was the one facing the Palestinians, that of occupation. The only way to end that dilemma was to end the occupation.

44. Several references had been made to highly publicized acts of terrorism. However, not all the Palestinians' acts of resistance to occupation were acts of terrorism. The record should show that the Committee did not describe the Palestinian resistance in general as terrorism.

45. The recent Supreme Court ruling was a step in the right direction, although unfortunately it did not outlaw torture completely. It fell short of the obligations imposed by the Convention because it allowed such measures as deprivation of sleep so long as they were not used as a means of interrogative pressure; in other words the ISA could continue to torture. The ruling also permitted torture, or what it called "physical means of interrogation", in extreme situations, and it allowed the torturer to plead "necessity" as a defence. NGOs had reported that all complaints against ISA interrogators were investigated by the ISA itself and that as a result, the detainees retracted their complaints and no criminal charges were pressed against ISA agents. Could the delegation comment on those allegations? The Committee also had a list of allegations relating to incidents that for the most part had taken place after the Supreme Court ruling. He asked the delegation to comment.

46. Referring to incommunicado detention, he inquired whether it was true, as alleged, that a police officer had the authority to detain Palestinians for up to eight days before bringing them before a judge, that a military court could extend that period to a total of four months, and that an official in charge of detention could deprive a detainee of his right to see his attorney or members of his family for as many as six months. Those were ideal conditions for carrying out torture. One NGO had reported hundreds of such cases, but the real figures might be even higher.

47. Even more disturbing, the Supreme Court had apparently refused to hear any petitions for the non-renewal or annulment of orders preventing detainees from consulting with their lawyers. Specifically, could the delegation supply the exact answer made by the Court to one such petition lodged in July 2000 by a certain Mohammed Abdul Aziz?

48. On the subject of minors, the State party should comment on the different definitions of the term "child" in Israel and the occupied Palestinian territories. Specifically, additional comments would be welcome on allegations by the NGO Doctors for Children International (DCI/Palestinian Section) that children as young as 10 had been arrested and threatened with death, left alone in police cells, handcuffed and denied toilet facilities for two days. What were the accusations involved and what sort of confession was being sought in such cases? Palestinian children were commonly held in prisons within Israel proper. Given the severe restrictions on access to Israeli territory by Palestinians, how did the State party ensure that juvenile detainees received visits from lawyers and family members? How many travel permits were issued to Palestinian lawyers, and how long did it take to obtain such permits?

49. It would be interesting to learn more about the Military Orders which regulated the daily lives of Palestinians in the occupied territories, and especially Military Order 101, which provided for a maximum term of 10 years' imprisonment for organizing a meeting attended by more than 10 people. Was it also true that there existed a Military Order empowering a military court to sentence a detainee solely on the basis of a written confession by another person?

50. In the light of the fact that senior Israeli politicians had publicly acknowledged the policy of targeted killings of Palestinians suspected of terrorism, the delegation would perhaps care to comment on the case of Dr. Thabet Thabet, a prominent Palestinian peace activist who had been assassinated by the Israeli army. Why had it been necessary to kill Dr. Thabet instead of simply arresting him, and why had his relatives not received any compensation for what amounted to capital punishment without trial?

51. The Israeli authorities had cited several reasons for the demolition of Palestinian homes, among which were rezoning, failure to obtain a construction permit, security considerations and punishment. As demolitions were carried out in a methodical and organized fashion and were designed to cause maximum inconvenience and trauma to those involved, he was of the view that punishment was the underlying motive for demolition, but he would be grateful for a detailed explanation and justification of the policy. On the issue of excessive use of force, material available to the Committee appeared to indicate that the routine and indiscriminate firing of live ammunition or rubber bullets at civilians was the major cause of death and injury among Palestinians. Again, any comments from the delegation would be welcome.

52. Ms. GAER said that the Committee would consider the third periodic report of Israel in exactly the same way as it considered the reports of other States parties. Although it would eventually adopt conclusions and recommendations as a body, at the current stage of proceedings each member of the Committee was simply articulating his or her own views as an independent expert. In the current international climate, no one could ignore the issue of terrorism, and there could be no excuse or justification for terrorist acts. In stating that principle, it was important to focus on the acts themselves rather than asking why a terrorist act had been committed. The Committee took no position on whether Palestinian resistance to occupation was or was not terrorism, although individual members certainly had their own views on the matter.

53. There was some ambiguity in the reporting State's position on the subject of the investigation of alleged torture which required clarification. Article 2 of the Convention stated that no exceptional circumstances whatsoever could be invoked as a justification of torture, yet the Israeli authorities appeared to make a distinction between differing sets of circumstances that necessitated different approaches. Material submitted by Amnesty International indicated that there had never been an interrogation in which the defence of necessity had been pleaded, nor had there ever been an investigation into alleged torture during interrogation. Was that true, and what mechanisms were in place to proceed with such investigations should the need arise? The failure of the Israeli authorities to investigate every killing of a Palestinian had created a culture of acceptance of unlawful killings and impunity for those who used unlawful force. In the light of the statement by a senior Israeli official that there were no investigations in wartime, the delegation should clarify the Israeli Government's position on the official status of the conflict with the Palestinians, the rules of engagement that were being applied and the limits of its responsibilities in the matter. Put simply, it appeared that detainees' right to complain of torture

or ill-treatment was not always matched by an obligation on the Government to investigate such complaints. Under the Geneva Conventions of 1949, persons who forfeited their civilian status could be considered legitimate military targets. Did current Israeli policy in the occupied territories therefore imply that the situation was a military conflict? The reporting State should also indicate whether the Police Action Rules had been updated and cite the guidelines governing the use of firearms.

54. Regarding the issue of violence against women, the Committee would appreciate fuller information on the State party's attitude to "honour killings", what was being done to prevent them, and on what legal basis such cases were dealt with by the courts (criminal law, religious law, considerations of family status, etc). Much fuller statistical information was required on the Israeli prison population, disaggregated if possible by gender, ethnicity, location and offence committed, and on the treatment of women in Israeli jails. The World Organization Against Torture (OMCT) had reported that the majority of women held in Neve Titza women's prison in Ramle, for example, had made allegations of torture and ill-treatment. What procedures were in place to monitor sexual violence in prisons, and could the delegation confirm whether women were guarded by female warders?

55. The Special Rapporteur of the Commission on Human Rights on torture had recently concluded that there was no significant evidence of recourse to torture in Israel, yet the wealth of material forwarded to the Committee by NGOs seemed to indicate the exact opposite. The State party should account for the apparent discrepancy between those two positions, and state how many allegations of torture had been received in the past six months.

56. Mr. YU Mengjia said that the demolition of Palestinian homes and the widespread use of roadblocks clearly gave rise to concerns under article 16 of the Convention. How did the State party rationalize or justify its policy in that regard? It might also be prudent to refrain from bandying around the emotionally charged term "terrorism" in the Committee's deliberations.

57. The CHAIRMAN asked how a detainee could avail himself of the protection afforded by recent measures to ensure fast-track access to the Supreme Court if he was held incommunicado without access to a lawyer.

The meeting rose at 1.05 p.m.